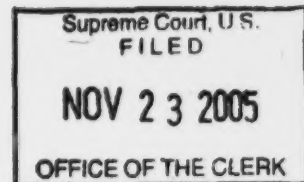


05-716  
DOCKET #



SUPREME COURT OF THE UNITED  
STATES

United States,  
Plaintiff/Respondent,

vs.

Richard Fuselier,  
Defendant/Petitioner,

An Application For A Writ of Habeas Corpus  
Ad Subjiciendum

On An Application For A Writ of Habeas  
Corpus Ad Subjiciendum From The Common  
Law Court of the United States of America

Richard Fuselier  
204 W. Angus  
Youngsville, La. USA 70592  
337 857-9090

(a)

## QUESTIONS PRESENTED FOR REVIEW

Is the petitioner, Richard Fuselier, an alien as provided for by Title 28 U.S.C. §§s 1251(b)(3) and 1652 and Article 1, Section 9, Clause 2?

Is the United States of America a state as provided by Title 28 U.S.C. §§s 1251(b)(2) and 1652?

Is the United States a state as provided by Title 28 U.S.C. §§s 1251(b)(3) and 1652.

Does Title 28 U.S.C. § 1241(b)(3) provide original jurisdiction for a proceeding filed by the United States against the petitioner?

Is a common law proceeding commenced with a Writ of Habeas Corpus Ad Subjiciendum as provided by Article 1, Section 9, Clause 2?

(b)  
LIST OF PETITIONERS

The judgment to be reviewed is a return on a Collateral Writ of Habeas Corpus Ad Subjiciendum filed in the Common Law Court of the United States of America. The parties to the writ are as follows:

RICHARD FUSELIER.....Petitioner  
UNITED STATES OF AMERICA.....Petitioner  
UNITED STATES.....Respondent

-(c)  
CORPORATE DISCLOSURE

The Petitioner, Richard Fuselier, avers that no corporation as provided by Rule 29.6 is a party herein.

(d)

### STATEMENT OF JURISDICTION

The petitioner is invoking the Court's original jurisdiction as provided by Title 28 U.S.C. § 1251(b)(3) as an alien to the United States being sued by a State.

The petitioner, alternatively, is also invoking the Court's original jurisdiction as provided by Title 28 U.S.C. § 1251(b)(2) as there exist a controversy between the United States and a State on the Petitioner's citizenship.

The underlying procedural privilege being claimed is founded upon Article 1, Section 9, Clause 2 as being the original Writ of Habeas Corpus and the basis of non exclusive jurisdiction of the Supreme Court of the United States.

The relief in the Supreme Court is also provided by Title 48 U.S.C. § 1493.

Service has been made on the Solicitor General of the United States as provided for by Supreme Court Rule 29.4.

(e)

### SUPREME COURT RULE 20 and 17

Rule 20.1 is inapplicable as the writ is not

authorized by Title 28 U.S.C. § 1651(a). The writ is authorized by Article 1, Clause 2, Section 9 of the Constitution which states in part:

“The privilege of the writ of habeas corpus shall not be suspended...”

The writ is authorized by Supreme Court Rule 17.2 which states in part:

“The form of pleadings and motions prescribed by the Federal Rules of Civil Procedure is followed.”

The relief provided for in the Federal Rules of Civil Procedure is stated in Rule 81(a):

“These rules are applicable to proceedings for...habeas corpus... to the extent that the practice in such proceedings is not set forth in statutes of the United States...”

The relief provided in statutes of the United States is founded in Title 28 U.S.C. § 2241(a) entitled “Power to grant writ” which states in part:

“Writs of habeas corpus may be granted by the Supreme Court...within their respective jurisdictions.”

The writ is in aid of the Supreme Court’s original and non exclusive jurisdiction. Supreme Court Rule 20.4(a) provides the petitioner with the following relief:

“A petition seeking a writ of habeas corpus shall comply with the requirements of 28 U.S.C. §§ 2241 and 2242, and in particular with the last paragraph of section 2242,...

The petitioner filed a motion in the United States District Court for leave to file a “statement” issuing out of common plea. The preliminary issue was United States citizenship. The District Court denied said return without comment. The petitioner only filed the return issuing out of common plea using Federal Rule of Criminal Procedure 16(d)(1) which provides for a statement. The writ was filed in the appeal court as the first court having a rule to support a Writ of Habeas Corpus.

Relief would be unavailable in any other court as the Supreme Court of the United States is given “original” jurisdiction by Congress.

(f)  
STATEMENT OF THE CASE

(1) The commonwealth and the commonwealth court were formed under the reservation of authority provided by the Ninth and Tenth Amendments.

(2) The United States filed an original action against an alien in United States District Court in the nature of a grand jury proceeding.

(3) The preliminary issue being litigated and in controversy is original jurisdiction based on citizenship of the petitioner.

(4) The petitioner proceeded by writs in the United States District Court for the District of Oregon, Docket #P-05-968 and the United States Court of Appeals for the Ninth Circuit [Docket number was not issued] using a return issuing out of the said commonwealth court.

(5) The lower courts denied and excluded said evidence without answer.

(6) The dispositive issues and material facts (Excerpt 1) were determined in a Commonwealth court and are hereby adopted herein in support.

(7) The condition of fact is that the issue of citizenship is res judicata.

(8) The return has not been traversed.

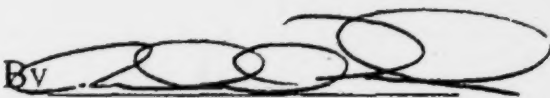
(g)  
REASONS FOR ALLOWANCE OF WRIT

Title 28 U.S.C. §§§s 1251(b)(2) and (3), 1652 and 2248 provide mandatory relief for the condition of fact that Richard Fuselier is not a United States citizen.

Title 28 U.S.C. §§s 2201(a) and 2502 allows abatement and/or declaratory relief.

Title 28 U.S.C. 2248 mandates that the court shall accept the return as true.

Executed on this 14<sup>th</sup> day of November, 2005. I declare under penalty of perjury that the foregoing is true and correct.

By 

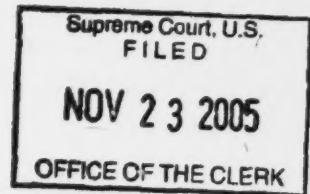
Richard Fuselier, Pro Se  
204 W. Angus  
Youngsville, La. USA 70592  
Telephone 337 857-9090  
Fax 337 857-9096



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**05-716**

DOCKET # \_\_\_\_\_



**SUPREME COURT OF THE UNITED  
STATES**

**United States,  
Plaintiff/Respondent,**

**vs.**

**Richard Fuselier,  
Defendant/Petitioner,**

**APPENDIX**

**Certification and Return On An Application For  
A Writ of Habeas Corpus Ad Subjiciendum  
From The Common Law Court of the United  
States of America**

**Richard Fuselier  
204 W. Angus  
Youngsville, La. USA 70592  
337 857-9090**

Common Law Court of the United States of  
America  
Certification

United States  
vs  
Richard Fuselier

Case No: 6004-1HC

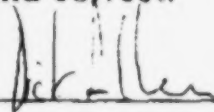
Return on a Writ of Habeas Corpus  
Ad Subjiciendum

I hereby certified that the attached is a true reproduction of the return issued in the above referenced number as transmitted to me from the person with knowledge of the laws of the United States of America and are kept in the course of the business of this court.

I further certify said declaration issues as a regular practice of this court to provide for a claim as protected by the Seventh Amendment and to overcome the presumption of United States citizenship.

I further certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

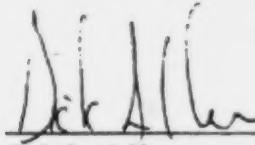
Dick Allen:



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I further affirm that I am the Clerk of Court for the Common Law Court of the United States of America, the custodian of these documents and I am authorized by law to be the party responsible to prepare and certify these records.

Executed on this 14<sup>th</sup> day of November, 2005,

A handwritten signature in dark ink, appearing to read "Dick Allen", is written over a horizontal line.

Dick Allen

Clerk of Court

Common Law Court of the United  
States of America

PMB 69

3527 Ambassador Caffery

Lafayette, La. 70503

United States of America

Seal of Court

Common Law Court of the United States of  
America

United States  
vs  
Richard Fuselier

Case No. 06-1004-1HC(A)

Justice J.N. Howard

REF: Writ of Habeas Corpus Ad Subjiciendum

United States District Court for the District of  
Oregon

Docket #P-05-968

United States Court of Appeals for the Ninth  
Circuit

Docket # \_\_\_\_\_

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**RETURN AND ORDER**

Upon Seventh Amendment demand by the Petitioner based on the evidence presented in that hearing held on this matter, declaratory relief is hereby entered as a matter of the law of the United States of America. The court finds and orders as follows.

## **Standards For Declaratory Relief**

To obtain declaratory relief such as this, the petitioner must have filed an application in the nature of a demand for a jury trial as declared by the Seventh Amendment to the Constitution.

The declaratory relief issues pursuant to the laws of the United States of America for the purpose of obtaining a remedy or a trial by jury as protected by the Seventh Amendment to the Constitution and to invoke the prohibitions of the Eleventh Amendment. The prejudgment remedies are authorized by Title 48 U.S.C. § 1493, Title 28 U.S.C. § 1652, Title 26 U.S.C. §§ 6511(d)(2)(B(iii) and 643(b).

## **Findings of Fact**

The following finding of facts are made for the purpose of claiming the right to trial by jury as declared by the Seventh Amendment to the said Constitution.

1. The Common Law Court of the United States of America has jurisdiction over the party filing a Writ of Habeas Corpus Ad Subjiendum.

2. The jurisdiction of said court is founded upon the fact that the citizens and

estates of the United States of America have abrogated United States nationality by acquiring a domicile in the United States of America and are not engaged in commercial activity.

3. The jurisdiction over the subject matter is based on the fact that the petitioner demanded alternative relief of a jury trial as founded on the Seventh Amendment to the said Constitution and is prosecuting this right in the Common Law Court of the United States of America.

4. The petitioner and his clients are not engaged in commercial activity.

5. The petitioner is an alien to the United States.

6. The United States is a state when engaged in tax collecting activity.

7. The Supreme Court of the United States has original jurisdiction.

8. The underlying tax claim is a refund by a fiduciary.

### **Conclusions of Law**

1. -This proceeding is the privilege of Habeas Corpus Ad Subjiciendum and provided for in Article 1 Section 9, the Seventh and Eleventh Amendments of the Constitution.

2. The return is the method for Citizens of the United States of America -

(A) To recover the right to trial by jury as declared by the Seventh Amendment to the said Constitution.

(B) To prosecute a demand under Federal Rule of Civil Procedure 38.

(C) To obtain declaratory relief based on Federal Rule of Civil Procedure 44.1.

(D) To obtain evidence to prosecute a Writ of Habeas Corpus as authorized by the Article 1, Section 9, Clause 2 to said Constitution.

3. The original jurisdiction for proceedings against the petitioner is provided by Title 28 U.S.C. § 1251(b)(1) as a state against an alien.

4. The following definitions and general provisions are adopted due to the fact that United States does not provide for the following terms and due process:

(A) The United States of America includes -

(1) The republic, whose organic law is the constitution and common law, which declared their independence of the government of Great Britain on the fourth day of July, 1776.

(2) A commonwealth.

(3) A foreign state.

- (4) The several states.
- (5) A state.
- (B) The laws of the United States of America includes -
  - (1) Common law.
  - (2) The laws of the several states.
  - (3) Local law.
  - (4) State law.
- (C) Citizens of the United States of America includes -
  - (1) Aliens to the United States.
  - (2) Citizens of any foreign state.
- (D) The Common Law Court of the United States of America includes -
  - (1) A court organized under authority of the Ninth Amendment of said Constitution.
  - (2) A local court of a commonwealth.
  - (3) An instrumentality of the United States of America.
- (E) Counsel for the United States of America includes -
  - (1) An attorney of a foreign state.
  - (2) An attorney qualified and authorized to practice in the Common Law Court of the United States of America.
  - (3) An attorney in fact appointed by the Common Law Court of the United



States of America.

- (4) An individual appointed by the  
Common Law Court of the United  
States of America to represent the  
United States of America pro hac  
vice.
- (F) Instrumentalities of a Foreign States  
includes-
  - (1) Estates domiciled in the United  
States of America.
  - (2) Citizens of the United States of  
America.
  - (3) Agents of citizens of the United  
States of America
- (G) A state includes-
  - (1) The United States of America
  - (2) The United States
- (H) Prejudgment remedies includes -
  - (1) Collateral Writs of Habeas  
Corpus Ad Subjiciendum.
  - (2) Motions provided Federal Rule  
of Criminal Procedure 16(d)(1).
  - (3) Motions provided by Title 28  
U.S.C. § 1652.
- (I) In cases where they apply includes -
  - (1) Actions at common law.
  - (2) Actions in the Common Law  
Court of the United States of  
America.

(J) Due Process provided by the rules of common law includes -

(1) Judicial determinations of jurisdictional immunity issued by the Common Law Court of the United States of America shall be enforced in the civil courts of the United States by Collateral Writs of Habeas Corpus Ad Subjiciendum.

(2) An Application for a Writ of Habeas Corpus Ad Subjiciendum shall be an ex parte evidentiary hearing.

(3) Responsive pleadings are prohibited in the courts of the states and the United States by the Eleventh Amendment.

(4) The Congress of the United States has agreed to be bound by the rule of common law by operation of Title 28 U.S.C. § 1652.

(5) The right to appeal the return is prosecuted in a collateral proceeding in the Common Law Court of the United States of America.

(6) Appeal in the courts of the

United States shall be based on a final decision of determination of foreign law.

4. The Court finds that the Petitioner is a citizen of the United States of America.

5. Citizens of the United States of America are jurisdictionally immune from the courts of the United States and of the states of the United States.

6. The jurisdiction over the person and subject matter is based on the fact that the petitioner demanded a jury trial as founded on the Seventh Amendment to the Constitution and is not engaged in commercial activity.

7. The petitioner, Richard Fuselier, is jurisdictionally immune to the courts of the states and the United States.

8. The Supreme Court of the United States has original jurisdiction for a proceeding filed by the United States against the citizens of the United States of America.

9. The proceedings filed in the United States District Courts are prohibited by Title 26 U.S.C. § 6672(c)(1), the Eleventh Amendment and Title 28 U.S.C. 1602-1611.

10. The payments received by Richard Fuselier and Richard Ortt are exempt from levy as provided by Title 26 U.S.C. § 643(b) as not taxable income.

11. The proceeding in United States District Courts are declared to be forum shopping and violates the petitioner's Constitutional right to Seventh Amendment relief.

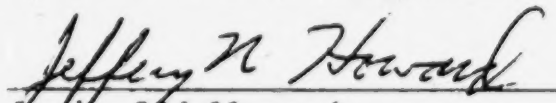
12. Each court proceeding required for the petitioner to litigate jurisdictional immunity is hereby declared a tort and an illegal levy.

13. Richard Fuselier is appointed attorney in fact and counsel for the United States of America.

### ORDER

Wherefore the petitioner shall be paid compensation of the value of 25,000 gold United States coins of one ounce for each tort and one additional gold United States coin of one ounce for each sheet of paper caused to be filed by the Petitioner with the United States, attorneys for the United States and the Internal Revenue Service.

Signed in the United States of America on this 14<sup>th</sup> day of November, in the year 2005.

  
Justice J.N. Howard

Seal of Court